



DECLARATION OF EMERGENCY

DIRECTIVE 041

WHEREAS, on March 12, 2020, I, Steve Sisolak, Governor of the State of Nevada, issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, Donald J. Trump, President of the United States, declared a nationwide emergency pursuant to Sec. 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, the World Health Organization advises that transmission occurs through both droplet and airborne transmission, where droplet transmission occurs when a person is in close proximity to someone who is infected with COVID-19; and

WHEREAS, infectious disease and public health experts advised that minimizing interpersonal contact slows the rate at which the disease spreads, and is necessary to avoid overwhelming healthcare systems; and

WHEREAS, on March 5, 2020, Clark County and Washoe County both reported the first known cases of COVID-19 in the State of Nevada; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, infectious disease and public health experts advised that wearing a mask or other face covering is an important and effective measure to reduce the spread of COVID-19; and

WHEREAS, on November 24, 2020, I issued Emergency Directive 035 to implement a "Statewide Pause," which restricted the size of gatherings, reduced capacity for bars, restaurants, and other businesses, and urged Nevadans to stay home to the greatest extent possible, in order to stop the surge in COVID-19 cases; and

WHEREAS, in late December 2020, Nevada began distributing COVID-19 vaccines, but the supply of vaccines remains severely limited; and

WHEREAS, Nevada's hospitalization rate for suspected and confirmed COVID-19 cases has trended downward since mid-January 2021; and

WHEREAS, since mid-January 2021, the 14-day moving average test positivity rate has steadily declined, but is still over the 5% threshold recommended by the WHO for reopening, and COVID-19 still poses a substantial threat to the public health; and

WHEREAS, on February 14, 2021, I issued Emergency Directive 037, which set forth a stepped approach to easing the restrictions on the size of gatherings, reduced capacity for bars, restaurants, and other businesses, that were implemented during the Statewide Pause; and

WHEREAS, Emergency Directive 037 provides that, beginning on May 1, 2021, it may be appropriate to transition the management of certain mitigation measures to the counties, if COVID-19 cases continue to decline; and

WHEREAS, new variants of the COVID-19 virus have been identified, and medical experts have determined that some of these variants are significantly more contagious than previously known variants; and

WHEREAS, COVID-19 remains a statewide public health crisis and certain mitigation measures and emergency management functions will continue to be managed at the state level to protect the overall health and safety of all Nevadans; and

WHEREAS, NRS 414.060 outlines powers and duties delegated to the Governor during the existence of a state of emergency, including without limitation, directing and controlling the conduct of the general public and the movement and cessation of movement of pedestrians and vehicular traffic during, before and after exercises or an emergency or disaster, public meetings or gatherings; and

WHEREAS, NRS 414.070 outlines additional powers delegated to the Governor during the existence of a state of emergency, including without limitation, enforcing all laws and regulations relating to emergency management and assuming direct operational control of any or all forces, including, without limitation, volunteers and auxiliary staff for emergency management in the State; providing for and compelling the evacuation of all or part of the population from any stricken or threatened area or areas within the State and to take such steps as are necessary for the receipt and care of those persons; and performing and exercising such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, NRS 414.060(3)(f) provides the administrative authority vested to the Governor in times of emergency may be delegated; and

NOW THEREFORE, by the authority vested in me as Governor by the Constitution and the laws of the State of Nevada and the United States, and pursuant to the March 12, 2020, Emergency Declaration,

IT IS HEREBY ORDERED THAT:

SECTION 1: The limitations imposed by previous Directives or regulations are hereby superseded by the explicit provisions of this Directive. Any provisions not addressed by this Directive shall remain in force as provided by previous Directives or regulations promulgated pursuant to the March 12, 2020 Declaration of Emergency.

SECTION 2: Each county within this State is hereby delegated the authority and duty to develop a COVID-19 Local Mitigation and Enforcement Plan ("Local Plan"), which must address, at a minimum, each of the following:

1. Mitigation measures for:
 - a. Public gatherings and events, including a process for review and approval of large gathering plans for gatherings in excess of 250 persons;
 - b. Retail businesses and indoor malls;
 - c. Community / recreational centers, including public pools;
 - d. Food and beverage establishments such as bars, wineries, distilleries, and breweries;
 - e. Places of worship;
 - f. Gyms, fitness studios, yoga studios, dance studios, martial arts, and similar establishments;
 - g. Spas, massage, hair salons and barber shops, nail salon, body art and piercing and similar establishments;
 - h. Arcades, racetracks, bowling alleys, mini-golf, pool halls, theme parks, and similar activities; and
 - i. Youth and adult recreational sports.
2. Enforcement measures and procedures for ensuring compliance with mitigation measures.
3. A strategy for ensuring adequate monitoring of COVID-19, including but not limited to:
 - a. Measures and indicators to be monitored to determine the prevalence and nature of the virus within the community;
 - b. Testing and contact tracing efforts;
 - c. Hospital capacity management;
 - d. Inventory and status of PPE and other needed materials;
 - e. Protection of vulnerable populations;
 - f. Public sector work plans to support in-person or work-from-home policies; and
 - g. Monitoring vaccine distribution efforts.
4. Public information campaigns to promote public health measures and vaccination efforts.

A template for developing a Local Plan will be provided by the COVID-19 Mitigation and Management Task Force ("Task Force").

SECTION 3: In developing its Local Plan, each county should consult and collaborate with its local health authority and/or county health officer, county school district superintendent, local or regional hospitals, and city managers of cities within the county that have 100,000 or more residents.

A county is strongly encouraged to submit a draft written Local Plan to the Task Force for feedback and recommendations. Draft Local Plans should be submitted no earlier than March 15, 2021. The Task Force will collaborate with the county to revise, amend or improve the draft Local Plan as needed.

Prior to the Governor delegating management of mitigation measures to a county and transition this authority to local control, a final written Local Plan must first be reviewed and endorsed by the following individuals or bodies:

1. The local health authority or the county health officer, as applicable;
2. The county's superintendent of schools;
3. The Nevada Hospital Association and/or the Nevada Rural Hospital Association; and
4. The City Manager for each city with 100,000 or more residents located within the county.

Following receipt of the above required endorsements, the final Local Plan must be approved by a vote of the respective Board of County Commissioners.

SECTION 4: After final approval of a Local Plan as provided in Section 3, the Local Plan must be submitted to the Task Force for review. The Local Plan shall be submitted prior to April 15, 2021. The Task Force will conduct a final review of the Local Plan and provide any additional feedback and recommendations.

Subject to the provisions of Section 5, on or after May 1, 2021, the Governor will delegate management of the mitigation measures set forth in Section 2 to counties that have developed a suitable Local Plan to manage those mitigation measures and have taken the required steps set forth in Section 3 to approve a final Local Plan.

Except as otherwise provided in this Directive, all mitigation measures, including without limitation capacity restrictions, set forth in this and prior Directives which are still in effect will continue to apply in all counties that have not received a delegation of management authority from the Governor.

SECTION 5: If the State or any county experiences a significant increase in COVID-19 cases, hospitalizations, or deaths, the Governor may rescind any or all delegations of authority granted pursuant to this Directive and may resume operational control over all or any part of the management of COVID-19 mitigation measures.

SECTION 6: The Task Force will continue to monitor the risk of COVID-19 transmission in each county. A county is flagged for elevated disease transmission if it meets two of the following three criteria: (1) average number of tests per day per 100,000 (normalized for population) is less than 100; (2) case rate per 100,000 is greater than 200; (3) case rate per 100,00 is greater than 50 and test positivity rate is greater than 8%.

Criteria 1 and 3 are based on a 14-day moving average, with a 7-day lag in reporting and criterion 2 is based on the previous 30 days.

The Task Force will also continue to monitor vaccine distribution efforts in each county.

SECTION 7: Notwithstanding any delegation of authority pursuant to this Directive, certain mitigation measures (or "Baseline Statewide Mitigation Measures") shall remain in place and will continue to be managed and enforced by the State, including but not limited to:

- Statewide mask / face covering requirement as set forth in Directive 024.
- Social distancing and hygiene considerations as set forth in Directive 021.
- School reopening and operational requirements as set forth in Directive 038.
- Crisis Standards of Care as set forth in Directive 011.
- Open Meeting Law provisions as originally set forth in Directive 006.
- Mitigation measures for gaming and cannabis establishments.
- All other mitigation measures not specifically delegated pursuant to this Directive.

SECTION 8: Effective immediately, Section 3 of Directive 037 is hereby amended to add the following:

For public gatherings at outdoor gathering spaces that do not have an assigned fire code capacity, including without limitation: parks, beaches, plazas, and public or private streets, the number of attendees is limited to the lesser of 250 persons or to the extent necessary to allow each attendee to maintain a distance of at least six feet from all other attendees, at all times.

SECTION 9: Sections 10 and 11 of Directive 037 shall terminate at 11:59 p.m. on March 14, 2021. Effective 12:00 a.m. on March 15, 2021, this Section shall apply to all gatherings and events in excess of 250 attendees that will occur before May 1, 2021.

Authority is hereby delegated to the Nevada Department of Business & Industry (B&I) to determine and prescribe the necessary COVID-19 mitigation measures, which may take into account the type of event and/or the venue. B&I shall consult with the State Department of Health and Human Services (DHHS) and may modify those mitigation requirements as necessary to respond to changes in COVID-19 transmission, vaccination rates, and guidance from DHHS and the Centers for Disease Control and Prevention (CDC), except that B&I shall not allow for more attendees than 50% of fire code occupancy capacity.

A person wishing to host, organize, or conduct a large gathering (the "organizer") under this Section must submit a Large Gathering Plan to B&I. The Large Gathering Plan must explain how the organizer will meet each of the requirements prescribed by B&I for implementation of COVID-19 mitigation measures and must contain any other information deemed necessary by B&I. B&I will review the application and may consult with state public health authorities and any other state agencies, commissions or regulatory boards, as applicable, to determine the sufficiency of the Large Gathering Plan. B&I will not approve any Large Gathering Plan for more attendees than 50% of occupancy capacity.

SECTION 10: Effective 12:00 a.m. on March 15, 2021, this Section shall apply to all gatherings and events in excess of 250 attendees that will occur between May 1, 2021 and June 30, 2021.

A person wishing to host, organize, or conduct a large gathering (the "organizer") under this Section may submit a Large Gathering Plan to B&I as set forth in Section 9. B&I will not approve any plan for more attendees than 50% of occupancy capacity.

The organizer may also submit a Large Gathering Plan to the applicable authorities in the county, in accordance with the processes and procedures set forth by the county. However, even if the Large Gathering Plan is approved by the county, it is not valid unless the county receives a delegation of authority pursuant to Section 4 of this Directive.

If the county approves the Large Gathering Plan and, prior to the gathering, the county in which the event will occur has adopted a Local Plan pursuant to Section 3 of this Directive and received a delegation of authority pursuant to Section 4 of this Directive, the organizer may hold the event according to either the plan approved by B&I or the plan approved by the county, whichever is less restrictive.

The intent of this Section is to promote certainty for the planning of events that will occur during the period of transition from State to county authority.

SECTION 11: Effective 12:00 a.m. on March 15, 2021, this Section shall apply to all gatherings and events in excess of 250 attendees that will occur after June 30, 2021.

Once a county adopts a Local Plan as set forth in Section 3 of this Directive and the Governor has delegated management of the mitigation measures as set forth in Section 4 of this Directive, B&I will no longer review and approve plans for large gatherings in that county. A person wishing to host, organize, or conduct such a gathering (the "organizer") shall follow the procedures set forth in the Local Plan adopted by the county in which the event will occur.

If the county has not adopted a Local Plan or has not received a delegation of authority pursuant to the procedures set forth in this Directive, the organizer must consult with the applicable county and local health authorities to determine the appropriate mitigation measures.

SECTION 12: Section 7 of Directive 037 shall terminate, effective 12:00 a.m. on May 1, 2021. Gaming properties shall comply with all mitigation measures, which may include but are not limited to capacity limitations for gaming areas, as set forth by the Gaming Control Board.

Effective 12:00 a.m. on May 1, 2021, provisions of this and other Directives that remain in effect, and any mitigation measures put in place by the applicable county, that apply to non-gaming businesses including but not limited to retail stores, restaurants and bars, non-retail venues, and pools and aquatic facilities, shall apply to those businesses, including those located on gaming properties.

SECTION 13: Effective 12:00 a.m. on May 1, 2021, cannabis establishments shall comply with all mitigation measures, which may include but are not limited to capacity limitations, as set forth by the Cannabis Compliance Board and those mitigation measures for retail stores set forth in the county's Local Plan. If a county has not adopted a Local Plan as set forth in this Directive, cannabis establishments in that county must comply with all mitigation measures set forth by the Cannabis Compliance Board.

SECTION 14: Section 9 of Directive 038 shall terminate at 11:59 p.m. on March 14, 2021. Effective 12:00 a.m. on March 15, 2021, county school districts, charter schools, or private schools wishing to host, organize, or conduct a gathering, event, performance, or other congregation of people in excess of 250 persons must submit a Large Gathering Plan to B&I as set forth in this Directive.

SECTION 15: This Directive shall become effective at 12:00 a.m. on March 15, 2021 and remain in effect until terminated by a subsequent Directive promulgated pursuant to the March 12, 2020 Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic or upon dissolution or lifting of the Declaration of Emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed this 12th day of March, in the year two thousand twenty-one.



Governor of the State of Nevada

Barbara K. Cegavske
Secretary of State

Scott Gordon
Deputy Secretary of State